

## **ORDINANCE NO. 2020-13**

## EMERGENCY ORDINANCE SUPPLEMENTING THE EXECUTIVE ORDER NUMBER 2020-50 OF THE GOVERNOR OF THE STATE OF SOUTH CAROLINA

WHEREAS,

South Carolina Code of Laws Section 5-7-250 (d) authorizes the adoption of emergency ordinances with immediate effectiveness, and

WHEREAS,

on March 13, 2020, the Governor of the State of South Carolina ("State") issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus ("COVID-19") poses an actual or imminent public health emergency for the State;

WHEREAS,

Executive Order 2020-21 includes the grant of authority to political subdivisions to enforce said Order and any prior or future Orders and to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency;

WHEREAS,

the City Code of Ordinances, Sec. 2-13, Emergency and Disaster Planning and Response, authorizing the Mayor to declare a State of Emergency in the City of Orangeburg;

WHEREAS,

the Mayor by Proclamation dated April 8, 2020 declared a State of Emergency in the City of Orangeburg to protect the public health, safety and welfare of its citizens;

WHEREAS,

the circumstances and conditions of April 8, 2020 still exist and City Council deems it necessary to adopt additional measures to prevent the spread of the virus;

WHEREAS,

by Executive Order No. 2020-50 the Governor authorized, ordered and directed law enforcement officers of the State and any political subdivision thereof to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health;

WHEREAS,

because of the existing State of Emergency City Council wishes to supplement said Executive Order No. 2020-50 of the Governor by providing civil infractions and fines for a violation of said Order and provide guidelines for the City's law enforcement officers in enforcing said Order;

**NOW, THEREFORE, BE IT ORDAINED** by City Council duly assembled this 6th day of October 2020 that the Executive Order No. 2020-50 of the Governor of the State of South Carolina is supplemented as follows:

<u>Definition:</u> For purposes of this Ordinance, a "Gathering" shall be defined as a planned or spontaneous indoor or outdoor event that involves or is reasonably expected to involve a large number of people physically present, congregating together, or otherwise simultaneously in attendance at a single indoor or outdoor location, public or private, and shall include, but not be limited to, the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, event venues, dance halls, concert halls, amphitheaters, gymnasiums, chambers, assemblies, nightclubs, performing arts centers, parks, racetracks, parties (including outside parties at private

residences) or similarly situated or operated businesses, facilities, venues, services, activities, events, or mass gatherings, the occurrence or resulting impacts of which would pose a threat to public health or could strain the public health, planning, and response resources of the City. A Gathering shall not include individuals collectively performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability in connection with COVID-19. A Gathering shall not include the normal operations of public and private schools and higher education institutions or religious activities or services, including those conducted in churches, synagogues, or other houses of worship, or gathering at private residences attended by persons of the household and/or the immediate family of the resident or residents.

<u>Enforcement</u>: Observations by a law enforcement officer that any person or persons in attendance at a gathering are not wearing a protected mask or a similar protective device in compliance with Mayoral Proclamation of April 8, 2020 and not exercising "social distancing" by maintaining six (6) feet of separation in accordance with the Centers for Disease Control and Prevention and the South Carolina Department of Health and Environmental Control guidelines shall be conclusive evidence that such congregation or gathering poses a threat to public health and is a violation of this Ordinance.

<u>Fines:</u> A violation of this Ordinance by the owner, landlord, or tenant of the private property on which the gathering is located, after first being warned by a law enforcement officer to disperse, shall be guilty of a civil infraction punishable by a fine of one hundred (\$100.00) dollars. A violation of this ordinance by any person attending the gathering, after first being warned by a law enforcement officer to disperse and having failed to disperse after a reasonable period of time not to exceed two minutes shall be guilty of a civil infraction punishable by a fine of fifty (\$50.00) dollars.

<u>Duration:</u> This ordinance is effective upon its adoption and expires on the (61<sup>st</sup>) sixty-first day afterwards unless amended or extended by City Council.

<u>Severability</u>: It is the intention of the City that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction the unconstitutionality of invalidity does not affect any other part of this ordinance.

**PASSED BY** the City Council of the City of Orangeburg, South Carolina, on this 6<sup>th</sup> day of October 2020.

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Members of Council

Mayor

Attest: